

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
10.5.21

Bill 3

LLS NO. 22-0180.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Water Resources Review Committee

BILL TOPIC: "Time Period To Object To Groundwater Mgmt Notices"

A BILL FOR AN ACT

101 **CONCERNING PROCEEDINGS UNDER THE "COLORADO GROUNDWATER**
102 **MANAGEMENT ACT", AND, IN CONNECTION THEREWITH,**
103 **AUTHORIZING ANY PERSON TO TIMELY INTERVENE IN A**
104 **PROCEEDING REGARDING THE WITHDRAWAL OF GROUNDWATER**
105 **AND EXTENDING THE TIME WITHIN WHICH A WRITTEN**
106 **OBJECTION TO A NOTICE MUST BE FILED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources Review Committee. Section 1 of the bill

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

authorizes any person to timely intervene in a proceeding regarding the withdrawal of groundwater. If the designated groundwater judge fails to consider the objections or other concerns of a person who so intervenes, then the ruling of the groundwater judge in the proceeding is unenforceable until such objections or concerns are given due consideration.

Under current law, any written objection to a notice issued pursuant to the "Colorado Groundwater Management Act" must be filed not later than 30 days after the last publication of the notice. **Section 2** extends this period to 45 days.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 37-90-111.5, **amend** (3) as follows:

37-90-111.5. Well enforcement - injunction - fines. (3) Any person ~~who has an interest in the subject matter of such proceedings~~ may intervene IN A PROCEEDING DESCRIBED IN SUBSECTION (2) OF THIS SECTION if such intervention is timely and will not cause undue delay. IF THE DESIGNATED GROUNDWATER JUDGE FAILS TO CONSIDER THE OBJECTIONS OR OTHER CONCERNS OF A PERSON WHO SO INTERVENES, THEN THE RULING OF THE GROUNDWATER JUDGE IN THE PROCEEDING IS UNENFORCEABLE UNTIL SUCH OBJECTIONS OR CONCERNS ARE GIVEN DUE CONSIDERATION.

SECTION 2. In Colorado Revised Statutes, 37-90-112, **amend** (3) as follows:

37-90-112. Notice - publication. (3) ~~The time for filing any written objections to notices~~ ANY WRITTEN OBJECTION TO A NOTICE described in this ~~article~~ ARTICLE 90 shall ~~extend to thirty~~ BE FILED NOT LATER THAN FORTY-FIVE days ~~following~~ AFTER the last publication of the notice.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly; except that, if a referendum petition is filed pursuant
3 to section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2022 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.

9 (2) This act applies to proceedings concerning the "Colorado
10 Groundwater Management Act", article 90 of title 37, Colorado Revised
11 Statutes, commencing on or after the applicable effective date of this act.